

Part V
FOREIGN SERVICE

Chapter – XI

FRs 64 – 80

SRs 56-58

Active Foreign Service includes the joining time on proceedings to and returning from Foreign Service including leave availed during such joining time.

Eg:- Mr. A, g/s, handed over charge on 31.07.2017. Therefore 01.08.2017 to 10.08.2017 is joining time. Foreign Service for 2 years starts from 01.08.2017 to 31.07.2019. Availed leave 01.08.2019 to 30.09.2019. Availed joining time 01.10.2019 to 10.10.2019. Return to parent department on 11.10.2019.

Foreign service = the whole period w.e.f. 01.08.2017 to 10.10.2019

Incidence of pay and TA during transit period is to Foreign Service.

FR. 67 – A government servant ceases to be on leave from the date he is transferred to Foreign Service.

E.g. Leave sanctioned from 15.07.2017 to 14.08.2017.

Transferred to Foreign Service w.e.f. 01.08.2017.

He ceases to draw leave salary w.e.f 01.08.2017.

Principles :- General principles for foreign service

(1) Duties in Foreign Service can be rendered only by govt. employees... FR. 66 (a)

(2) Terms and conditions to be settled:-

(a) Should not impose unnecessarily heavy burden on the foreign employer. FR. 65 (a)

(b) It should not be so greatly in excess of the remuneration which he receives in govt. service... FR. 65 (b)

(Vide govt. circular, pay in Foreign Service should not be over 10 % of pay which he receives in govt. service.)

Conditions for Foreign Service:

1. The govt. servant must be willing ... FR 64
2. Must be sanctioned by competent authority... Administrative Instruction to FR 64
3. Joining time to and Foreign Service to be settled beforehand... FR. 58(1)
4. During foreign service, remain in his own cadre under his parent employer... FR.68
 - (a) He retains a lien in his substantive post... FR 12 (b)
 - (b) Therefore the period under Foreign Service counts for increment:-
 - (i) In his substantive post where he holds a lien FR. 28 d(i)
 - (ii) In the post he officiated at the time of transfer to Foreign Service. FR.28 (d)(ii)
 - (iii) In the post that he may obtain proforma promotion..... FR.33

5. Govt. Servant draws pay from foreign employer for all the period under active foreign service and public interest... FR69 and Note under FR69
 - i. Pay during joining time:- normal rule of the state govt. unless separate provision in the terms of deputation.... FR. 69
 - ii. Pay in Foreign Service
 - (a) either the pay of the foreign employer. The pay will be regulated by normal rules... Note 1 below FR. 69
 - or
 - (b) his own grade pay plus deputation (duty) allowance... Note (1) below FR. 69
 - iii. Not in public interest:- entitled to pay under normal rules... Note (1) below FR 69
6. The foreign employer will consent to bear the liabilities in case of disability that a govt. may suffer as a direct consequence of his duties in Foreign Service even if the disability manifest after the govt. servant has left the foreign service- State Govt's decision.
7. Foreign employer should afford medical privileges not less than those entitled by a govt. servant under govt. – Note (2) to State Govt.'s decision above.
8. Contributions
 - i. Pension contribution – in all cases of Foreign Service to be paid to the revenue of the state... FR 70 (a) (for the purpose of qualifying service)
 - ii. Leave salary contribution – only if the Foreign Service is in India (outside India not necessary... FR 70 (b)(for the purpose of earning leave)
 - iii. Govt. servant himself is liable to pay unless foreign employer agrees to pay for him[interruption in service – if pension contribution is not paid to the revenue of the State]...FR 70 (c)
 - iv. (i) & (ii) abovenot payable if that govt. servant availed leave while in foreign service...FR .70 (c)

Leave salary contribution:-

(a) If both the contribution is paid by foreign employer.

1. On the total pay drawn in foreign service,

a. E.g. Basic pay = ₹ 39600/-(Pay Level 10)

Deputation (duty) allowance (10%)= ₹ 3960/-

Total Pay = ₹ 43560/-

Leave salary contribution=11% of total pay= ₹ 4792/- per month

(b) If any or both the contribution is paid by govt. servant

b. E.g. i.e. to based on total pay less the contribution payable by govt. servant himself.

₹ 43560 - (leave salary contribution)

and/or

₹ 43560-Pension contribution

2. Leave salary contribution calculated on the basis of pay. Note 2 below FR70
3. Leave salary taken or availed while in foreign service will be paid by govt. if leave salary is contributed... Note (2) below FR. 70
4. All Compensatory Allowances including DA will be paid by foreign employer... Note 2 below FR. 70.

Pension contribution	Leave salary contribution
Find out:-	
1. Class (group) of service	applicable to all groups (class of service)
2. Length of service	Length of service immaterial
3. Maximum of the scale of pay of the govt. servant in his parent govt.	Depends on amount of pay drawn in foreign service.
4. Not payable during leave	Not payable during leave availed in foreign service
5. Rate is on the basis of length of service and class	Rate 11% of pay drawn (appendix 8)

Note :-

1. Foreign Service qualify for leave and pension if contribution is made.
2. If Leave is taken during foreign service, then:-
 - a. No leave salary contribution is required.
 - b. No pension contribution is required.
 - c. Leave salary to be paid by the govt.
3. Leave salary/ pension contribution should be contributed within the financial year. Grace period of 15 days shall be given or otherwise interest will be charged by govt.

Problem :

1. Commencement of govt. service.....15-9-1994
2. Deputed on foreign service term for 1 year from 11-5-2008 to 10-5-2009
3. Was drawing pay @ ₹ 20290 w.e.f. 01.05.2008 in the scale of pay of ₹ 17000-470-20290-eb-560-25330-760-33690/-
4. Opted his own grade pay and was allowed 10% deputation allowance subject to a maximum of ₹ 1000 pm.
5. Got proforma promotion on 15-2-2009 as in the scale of pay of ₹ 23300-700-27500-830-32480-970-39270/-

Pension contribution	Calculation for length of service
1. Group A	15-9-1994 to 10-5-2008 = 13 yrs to 14 yrs
2. Period -> Length of service yrs. -> calculation -> Amount arrived (pm)	(refer appendix 8 for rate)
11/05/2008 to 14/09/2008 -> 13-14 years LoS -> 9% of 33690 -> Rs. 3032 p.m	
15/09/2008 - 14/02/2009 -> 14-15 years LoS -> 9% of 33690 -> Rs. 3032 p.m	
15/02/2009 - 10/05/2009 -> 14-15 years LoS -> 9% of 39270 -> Rs. 3534 p.m	

Leave Salary contribution by foreign employer:-

11.05.2008 to 14.02.2009 = $\frac{(20290+1000)}{12} \times 11\% = 2342 \text{pm/-}$

15.02.2009 to 10.05.2009 = $\frac{(23300+1000)}{12} \times 11\% = 2673 \text{pm/-}$

Deputation to govt. :-

1. Terms and conditions must be drawn between the govt. and the foreign employer.
2. Qualifying service:- if the govt. have made contribution towards the leave salary and pension of the foreign employer, then that period is counted as qualifying service to pension in the office of the foreign employee and not in govt.

Cases have often come up where a foreign employee on deputation is ultimately absorbed into govt. and that demand has been made to treat those period on deputation as qualifying service.

However, this is not admissible if leave and pension contribution have been made by govt. it is admissible only if those leave and pension contribution for those period is recovered from the foreign employee/employer.
